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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,315	10/22/2003	Michael J. Wookey	30014200-1122	6393

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EXAMINER
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MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/691,315	WOOKEY, MICHAEL J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tony Mahmoudi	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.                                                             | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Priority*

1. The instant application claims benefit of the filing date and priority to the US Provisional Application S/N 60/469,767. Accordingly, the filing date of the Provisional Application (5/12/2003) is considered the effective filing date for the examination of the instant application.

### *Drawings*

2. The drawings files on 22-October-2003 are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

Some reference characters have been used to designate multiple entities throughout the drawings. In one example, reference character “224” has been used to designate **bus manager** (figure 2) and **REGISTRATION MANAGEMENT ACCESS** (figure 8). In another example, reference character “2206” has been used in figure 2 (no reference made to it in the specification), and used to designate **DATATYPE MAPPING EDITOR** in figure 22.

The above are examples of multiple entities having been designated by the same reference character. The applicant is requested to review and correct all sheets of the drawings as appropriate, to match the references made in the specifications.

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3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because:

They include many reference characters not mentioned in the description. For example:

Reference character **154** in figure 1.

Reference character **2206** in figures 2 (although as noted above, **2206** is referenced in the specification as it relates to figure 22.

Reference character **710** in figure 7.

The above are examples of reference characters not mentioned in the descriptions. The applicant is requested to review and correct all pages of the specifications as appropriate.

4. The drawings are objected to under 37 CFR 1.83(a) because:

They fail to show elements as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). For example:

Reference character **612**, described in the specification (page 20, line 18) does not appear on drawing figure 6.

The above are examples of reference characters not mentioned in the descriptions. The applicant is requested to review and correct all pages of the specifications as appropriate.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specifications*

6. The specification of the instant application is objected to in view of the objections made above to the drawings. The specification must correctly and sufficiently reference every element shown on the drawing figures. Wherever there is a discrepancy between an element depicted in the drawings and references made to the element in the specification (or lack thereof), either the figures of drawings, or the specifications, or both must be corrected to overcome the discrepancy. Appropriate corrections to the specifications are required.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 15-28 and 30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 15 (and its dependent claims) recite, “computer readable medium”, which, according to the specification of the instant application comprises non-statutory subject matter.

The specification of the instant application, in paragraphs 74 (page 6) and paragraph 27 (page 7) states:

“[0074] Although aspects of methods, systems, and articles of manufacture consistent with the present invention are depicted as being stored in memory, one having skill in the art will appreciate that these aspects **may be stored on or read from other computer-readable media**, such as secondary storage devices, like hard disks, floppy disks, and CD-ROM; **a carrier wave received from a network such as the Internet**; or other forms of ROM or RAM either currently known **or later developed**. Further, although specific components of the data processing system 100 have been described, one skilled in the art will appreciate that a data processing system suitable for use with methods, systems, and articles of manufacture consistent with the present invention **may contain additional or different components**.”

According to the above paragraph, the “computer readable media” recited in the above claims, comprises “**a carrier wave**” and/or relies on technology or storage

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devices not currently known in the art (e.g., “**later developed**” and “**additional or different components**”), which are non-statutory subject matters.

In contrast, a “computer readable media **comprising a secondary storage device**” (as defined in the above paragraph of the specification to be one of hard disks, floppy disks, and CD-ROM), or other statutory limitations (provided there is sufficient support in the original specification) would be statutory, and therefore, patentable.

Independent claim 30 recites:

A data processing system comprising:

means for obtaining information.....; and

means for storing the information....”,

which render the claimed “means” as software per se and therefore, is not statutory. The specification of the instant application does not clearly associate the above “means” with hardware of any kind. Therefore, claim 30 describes a system comprising “software for obtaining information” and “software for storing information”, which is **neither statutory, nor does it produce any results**. The rejection can be overcome by associating “hardware” with the above means of obtaining and storing, wherein the results are “stored” on the indicated hardware.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Devine et al (U.S. Publication No. 2002/0095399 A1, hereinafter referred to as Devine.)

As to claim 1, Devine teaches a method in a data processing system (see paragraph 38) having a program (see paragraphs 2 and 22), the method comprising the steps of:

obtaining information (see paragraphs 55, 62, and 392) describing a datatype to be registered (see “when the file is registered in the database” in paragraph 390), the datatype having a metadata that describes a data and a reference to the data (see paragraph 543, where “each data service includes associated metadata” is taught, and where “metadata that describes a data and a reference to the data” is read on “data elements described by metadata”), the data being maintained separately from the datatype (see paragraph 384, where “metadata is stored in a separate part of the delivered service output”), the information describing the datatype including a class field that is common to other datatypes (see paragraph 64, where the “information



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describing the datatype” is read on “metadata”; also see paragraphs 419 and 422; and see paragraph 543 where, “class field that is common to other datatypes” is explained in “data elements described by the metadata can be assigned to particular cell ranges in the spreadsheet”); and an instance field that is specific to the datatype (see paragraph 548 where, “the user can browse the metadata of a service and assign different notifications to different data elements”); and

storing the information describing the datatype in a registry (see paragraph 63, where “registry” is read on “memory buffer”; and see paragraph 384, where “information describing the datatype” is read on “metadata”), at least a portion of the information describing the datatype being included in the datatype's metadata (see “the service metadata describes the data provided by the service, and the subscriber uses an interface to this metadata to specify what should be used” in paragraph 64.)

As to claims 2 and 16, **Devine** teaches the method further comprising the step of: validating the datatype (see paragraphs 405 and 487, where “validating” is read on “verifying”).)

As to claims 3 and 17, **Devine** teaches wherein the information includes a key that enables the datatype to be joined with the other datatypes having the key in their respective metadata (see the teaching of “common class field” in claim 1, where “the key” is interpreted to be the same as “common class field” as taught in paragraphs 64, 419, 422, and 543.)

As to claims 4 and 18, **Devine** teaches wherein the information includes an identifier of the datatype (see paragraph 63, where “identifier of the datatype” is read on “record of a certain type”; and see “message type identifier” in paragraph 112.)

As to claims 5 and 19, **Devine** teaches wherein the information includes a description of the datatype (see paragraphs 64, 384, and 543.)

As to claims 6 and 20, **Devine** teaches wherein the information includes a version information about the datatype (see paragraphs 243 and 301.)

As to claims 7 and 21, **Devine** teaches wherein the information includes a priority of the datatype (see paragraphs 243 and 416, where “priority” is read on predetermined “order”.)

As to claims 8 and 22, **Devine** teaches wherein the information includes a database identifier for a database that stores the information (see paragraphs 392-393 and 496-497.)

As to claims 9 and 23, **Devine** teaches wherein the information includes a storage server identifier for a database that stores the information (see paragraphs 32, 66, 424 and 497.)

As to claims 10 and 24, **Devine** teaches wherein the information includes a message topic associated with the datatype (see “message type identifier” in paragraphs 97 and 98.)

As to claims 11 and 25, **Devine** teaches wherein the information includes a relevance of lifetime of the datatype (see paragraphs 65, 71, and 134.)

As to claims 12 and 26, **Devine** teaches wherein the information includes a status of the datatype (see paragraphs 339 and 583.)

As to claims 13 and 27, **Devine** teaches wherein the information includes a description of the datatype (see paragraphs 64, 384, and 543.)

As to claims 14 and 28, **Devine** teaches wherein the information includes an intrinsic value of the datatype (see paragraphs 61 and 69, where “intrinsic value” is read on “specified value” and “cell value”.)

As to claim 15, **Devine** teaches a computer-readable medium containing instructions that cause a program in a data processing medium to perform a method (see paragraphs 37, 55 and 60.)

For the remaining limitations of this claim, the Applicant is directed to the remarks and discussions made in claim 1 above.)

As to claim 29, **Devine** teaches a data processing system (see paragraph 38) comprising:

a memory (see paragraphs 55 and 60) having a program (see paragraphs 38 and 67); and

a processing unit that runs the program (see paragraphs 60, 483, and 485.)

For the remaining limitations of this claim, the Applicant is directed to the remarks and discussions made in claim 1 above.

As to claim 30, **Devine** teaches a data processing system (see paragraph 38.)

For the remaining limitations of this claim, the Applicant is directed to the remarks and discussions made in claim 1 above.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

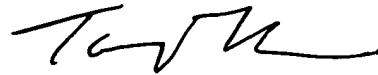
The following patents are cited to further show the state of art with respect to methods and systems of data sharing among distributed databases in general:

<b>Patent/Pub. No.</b>	<b>Issued to</b>	<b>Cited for teaching</b>
Us 5,257,369	Skeen et al.	Registering datatypes having common and specific fields.

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12. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.



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